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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8

9 SETH D. HARRIS, ACTING SECRETARY)
10 OF LABOR, UNITED STATES)
11 DEPARTMENT OF LABOR,¹)
12 Plaintiff,)
13 v.)
14 GOLDEN YEARS ENTERPRISES, INC., a)
15 corporation; ELIZABETH C. ALAS, an)
16 individual,)
17 Defendants)
18

CASE NO. 2:12-cv-01927-RSM

CONSENT JUDGMENT

19 Plaintiff has filed her Complaint and Defendants have appeared and, without admitting
20 liability or the truth of any allegations in the Complaint, have agreed to the entry of this Order
21 and Judgment without contest. It is, therefore, upon motion of the Parties, and for cause shown:

22 **I**

23 **ORDERED**, that Defendants, their officers, agents, servants, employees and those
24 persons in active concert or participation with them be and hereby are permanently enjoined and
25 restrained from violating the provisions of § 15(a)(2) of the Fair Labor Standards Act of 1938, as
26 amended (29 U.S.C. 201 *et seq.*), hereinafter called “the Act,” in the following manners:

27 ¹ Seth D. Harris was appointed as Acting Secretary of Labor on January 24, 2013. Pursuant to Fed. R. Civ. P. 25(d)
28 the caption has been changed to reflect the appointment.

GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 1 OF 5

U.S. DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
300 Fifth Avenue, Suite 1120
Seattle, WA 98104
Telephone: (206) 757-6762
Facsimile: (206) 757-6761

1 **Defendants shall not**, contrary to § 6 of the Act, employ any employees engaged in
2 commerce, or in the production of goods for commerce, or in an enterprise engaged in commerce
3 or in the production of goods for commerce, at an hourly rate less than the federal minimum
4 wage, and
5

6 **Defendants shall not**, contrary to § 7 of the Act, employ any employees engaged in
7 commerce, or in the production of goods for commerce, or in an enterprise engaged in commerce
8 or in the production of goods for commerce, for a workweek longer than forty (40) hours unless
9 the employee receives compensation for his/her employment in excess of forty (40) hours at a
10 rate not less than one and one-half times the regular rate at which he/she is employed, and
11

12 **Defendants shall not**, contrary to § 11 of the Act, fail to make, keep and preserve
13 records of the wages, hours and other conditions and practices of employment maintained by
14 them, as prescribed by the regulations duly promulgated under said § 11(c) at 29 C.F.R. Part 516.
15

II

16 **IT IS FURTHER ORDERED** that the Plaintiff recover from Defendants the total sum
17 of **\$279,229.30** inclusive of backwages and liquidated damages. The amount of **\$139,614.65**
18 shall be for gross overtime back wages as listed and allocated in the attached Exhibit A, plus
19 **\$139,614.65** in liquidated damages.
20

21 Payment shall be by certified checks made **payable in the alternative to the individual**
22 **employee or U.S Department of Labor, Wage and Hour Division**, and shall be mailed to each
23 employee at his or her last known address **within 30 days after this order is approved**. All
24 checks shall be accompanied by a letter identifying the payments as a result of the resolution of
25
Solis v. Golden Years Enterprises, Inc. , et al.
26

27 **GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 2 OF 5**
28

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1 Copies of the front and back of the cancelled checks shall be provided to the Wage and
2 Hour division no more than 65 calendar days after the check is issued accompanied by a letter
3 identifying the case name as Solis v. Golden Years Enterprises, Inc., et al. and including the
4 employer's tax identification number. Copies shall be sent to:
5

6 **U.S. Department of Labor**
7 **Wage Hour Division**
8 **300 Fifth Avenue, Suite 1130**
9 **Seattle, Washington 98104**

10 In the event that any employee listed on Exhibit A cannot be located, or refuses to accept
11 the payment, 65 calendar days after the payment is due, Defendants shall deliver to Plaintiff a
12 certified check covering the total net due all such employees **payable to U.S. Department of**
13 **Labor, Wage and Hour Division**, accompanied by a list of the employees for whom the checks
14 represent backwage payment, their Social Security Numbers, the legal deductions made from the
15 gross amounts due, and the employee's last known address.
16

17 Plaintiff shall distribute the monies paid by Defendants for employees Defendants could
18 not locate to the employees identified or their estates if that is necessary. Any money not so paid
19 within three years because of inability to locate said employees or because of their refusal to
20 accept said proceeds shall be deposited forthwith with the Treasury of the United States pursuant
21 to 28 U.S.C. § 2041.
22

23 **III**

24 **IT IS FURTHER ORDERED** that the rights of any of the Defendants' employees or ex-
25 employees not specifically mentioned in Exhibit A to this Judgment, to back wages under the
26 Act, are neither affected nor extinguished by this Judgment and neither party to the action
27

28 **GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 3 OF 5**

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intends or contemplates that the Judgment entered in this action will affect such rights if any.

IV

IT IS FURTHER ORDERED that each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

DATED this 26th day of April 2013.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 4 OF 5

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1 Presented by:

2 **UNITED STATES DEPARTMENT OF
3 LABOR**

4 M. Patricia Smith
5 Solicitor of Labor

6 Janet M. Herold
7 Regional Solicitor

8 Bruce L. Brown
9 Associate Regional Solicitor

10 Jeremiah Miller
11 Trial Attorney

12 By _____
13 Jeremiah Miller,
14 Trial Attorney
15 U.S. Dept. of Labor
16 300 Fifth Avenue, Suite 1120
17 Seattle, WA 98104

18 Dated: _____

19 GOLDEN YEARS ENTERPRISES, INC. CONSENT JUDGMENT PAGE 5 OF 5

20 **Entry of this Judgment is hereby Consented
21 to:**

22 _____
23 Elizabeth C. Alas, individually and as an
24 authorized representative of Golden Years
25 Enterprises, Inc.

26 Dated: _____

27 U.S. DEPARTMENT OF LABOR
28 OFFICE OF THE SOLICITOR
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EXHIBIT A

EMPLOYEE	BACKWAGES	LIQUIDATED DAMAGES	GROSS AMOUNT DUE	PERIOD COVERED
Eleni Aldera	\$1,090.56	\$1,090.56	\$2,181.12	8/6/2011 to 12/3/2011
Queenie Bactad	\$2,217.76	\$2,217.76	\$4,435.52	12/2/2009 to 8/4/2010
Aristotle Bobila	\$2,816.60	\$2,816.60	\$5,633.20	2/5/2011 to 8/6/2011
Fidel Bohol	\$1,345.23	\$1,345.23	\$2,690.46	10/1/2011 to 12/3/2011
Junario Campo	\$9,246.02	\$9,246.02	\$18,492.04	12/2/2009 to 11/30/2011
Darlene Comiso	\$4,889.75	\$4,889.75	\$9,779.50	12/2/2009 to 3/2/2011
Marcelina Daligdig	\$1,649.51	\$1,649.51	\$3,299.02	6/4/2011 to 10/1/2011
Dora Dugenia	\$4,074.27	\$4,074.27	\$8,148.54	12/2/2009 to 11/30/2011
Yolanda Esquerra	\$2,814.56	\$2,814.56	\$5,629.12	12/5/2009 to 7/31/2011
Ronald Esteban	\$11,372.95	\$11,372.95	\$22,745.90	12/5/2009 to 9/3/2011
Georgia Esteron	\$3,516.96	\$3,516.96	\$7,033.92	4/3/2010 to 1/1/2011
Dave Estrella	\$11,515.44	\$11,515.44	\$23,030.88	1/6/2010 to 11/30/2011
Delfin Fajardo	\$303.41	\$303.41	\$606.82	11/5/2011 to 12/3/2011
Felicidad Limon	\$9,742.58	\$9,742.58	\$19,485.16	12/5/2009 to 4/2/2011
Janet Magalang	\$7,058.83	\$7,058.83	\$14,117.66	1/2/2010 to 12/3/2011
Gendveva Paras	\$756.39	\$756.39	\$1,512.78	8/6/2011 to 10/1/2011
Dolores Parinas	\$7,564.45	\$7,564.45	\$15,128.90	12/5/2009 to 1/1/2011
Elvira Raz	\$4,601.27	\$4,601.27	\$9,202.54	12/2/2009 to 1/5/2011
Impelita Raz	\$7,008.52	\$7,008.52	\$14,017.04	12/5/2009 to 1/1/2011

EMPLOYEE	BACKWAGES	LIQUIDATED DAMAGES	GROSS AMOUNT DUE	PERIOD COVERED
Juan Raz	\$7,000.75	\$7,000.75	\$14,001.50	12/5/2009 to 1/1/2011
Melissa Saflor	\$135.23	\$135.23	\$270.46	11/2/2011 to 11/30/2011
Efren Suarez	\$12,582.24	\$12,582.24	\$25,164.48	12/2/2009 to 8/31/2011
Mary Jane Tantoo	\$1,961.40	\$1,961.40	\$3,922.80	4/6/2011 to 11/30/2011
Maria Victoria Thomson	\$14,861.27	\$14,861.27	\$29,722.54	12/2/2009 to 11/30/2011
Arnold Vargas	\$6,822.46	\$6,822.46	\$13,644.92	12/5/2009 to 1/1/2011
Irene Villanueva	\$1,028.25	\$1,028.25	\$2,056.50	4/2/2011 to 8/6/2011
Erlina Vintayen	\$1,637.99	\$1,637.99	\$3,275.98	2/6/2010 to 7/31/2010
Total	\$139,614.65	\$139,614.65	\$279,229.30	